REMARKS

Claims 1-8, 10, 12-25, and 27-39 are pending. Claims 9, 11, 26, and 40-47 have been cancelled. Claims 16-24 have been withdrawn from prosecution. Claims 1, 13, 14, 25, and 27-39 have been amended. In view of the amendments and the following remarks, the Applicant respectfully requests the Examiner's thoughtful reconsideration.

DRAWINGS: The Examiner objected to Fig. 2 noting that the reference "250" was used to identify two different components. Fig. 2 has been amended and a replacement sheet accompanies this response.

REJECTIONS UNDER 35 USC §112: The Examiner rejected Claims 111 and 14 as being indefinite under the second paragraph of §112. Claim 11 has been cancelled and Claim 14 has been amended t rendering the rejection moot.

STATUTORY DOUBLE PATENTING: The Examiner issued a statutory double patenting rejection for Claims 1 and 35. Claims 1 and 35 have been amended rendering the rejection moot.

REJECTIONS UNDER 35 USC §102: The Examiner rejected Claims 1-6, 8-14, 25-28, 32-36, 38, 40 and 41 as being anticipated by USPN 5,930,553 issued to Hirst.

Claim 1 is directed to a printing device system and, as amended, recites the following:

1. a replaceable printing device component storing a firmware patch for a printing device and a patch load routine, the replaceable printing device component being configured to be coupled to the printing device; and

2.   a printing device having a memory unit storing firmware, the printing device being configured to download and execute the patch load routine;

3.   wherein the patch load routing includes instructions that when executed cause the printing device to determine if the firmware patch stored on the replaceable printing device component has previously been used to patch the firmware and, upon a determination that the firmware patch has not been previously used to patch the firmware, loading the firmware into the memory unit to patch the firmware.

While Hirst describes a replaceable printing device component storing a firmware patch. Hirst fails to teach or suggest a replaceable printing device component storing a patch load routine. Hirst also fails to teach or suggest a printing device that is configured to download and execute the patch load routine to accomplish the tasks recited in Claim 1.

For at least these reasons Claim 1 is patentable over Hirst as are Claims 2-8, 10, and 12-15 which depend from Claim 1

Claim 25 is directed to a printing device and, as amended, recites the following:

1.   a memory unit to store firmware;

2.   a processing unit coupled to the memory unit; and

3.   a routine stored in the memory unit to download a patch load routine from the coupled replaceable printing device component;

4.   wherein the processing unit is operable to execute the patch load routine downloaded to the memory and wherein the patch load routine includes instructions that when executed cause the processing unit to determine if a firmware patch stored on the coupled replaceable printing device component has previously been used to patch the firmware and, upon a determination that the firmware patch has not

been previously used to patch the firmware, load the firmware in to the memory unit to patch the firmware.

As with Claim 1, Hirst fails to teach or suggest the use of the patch load routine in the manner recited in Claim 25. For at least the same reasons Claim 1 is patentable, so are Claim 25 and Claims 27-34 which depend from Claim 25.

Claim 35 is directed to a method and, as amended, recites the following:

1. with a replaceable printing device component coupled to a printing device, downloading, from the replaceable printing device component, a patch load routine to a memory of the printing device; and
2. executing the patch load routine on the printing device to cause the printing device to determine if a firmware patch stored on the replaceable printing device component has previously been used to patch firmware of the printing device and, upon a determination that the firmware patch has not been previously used to patch the firmware, downloading the firmware to patch the firmware of the printing device.

As with Claim 1, Hirst fails to teach or suggest the use of the patch load routine in the manner recited in Claim 35. For at least the same reasons Claim 1 is patentable, so are Claim 35 and Claims 36-39 which depend from Claim 35.

REJECTIONS UNDER 35 USC §103: The Examiner rejected Claims 7, 15, 29, 30, 31, 34, 37, and 39 as being unpatentable over USPN 5,930,553 issued to Hirst in view of Japanese Patent Document No 2002-166628 to Tanaka.

Claims 7 and 15 depend from Claim 1. For at least the same reasons Claim 1 is patentable, so are Claims 7 and 15.

Claims 29, 30, 31 and 34 depend from Claim 25. For at least the same reasons Claim 25 is patentable, so are Claims 29, 30, 31 and 34.

Claims 37 and 39 depend from Claim 35. For at least the same reasons Claim 35 is patentable, so are Claims 37 and 39.

CONCLUSION: The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

Eric Christensen

By _____/Jack H. McKinney/_____

Jack H. McKinney

Reg. No. 45,685

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